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7 Attorneys for Defendant, COUNTY OF
8 RIVERSIDE

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

S.L. a minor by and through the Guardian Ad Litem Kristine Llamas Leyva, individually and as successor-in-interest to JOHNNY RAY LLAMAS, deceased; V.L., by and through the Guardian Ad Litem Amber Sietsinger, individually and as successor-in-interest to JOHNNY RAY LLAMAS deceased; and CAROLYN CAMPBELL, individually,

Plaintiffs,

vs.

COUNTY OF RIVERSIDE; and DOES
110, inclusive,

Defendants.

Case No.: 5:24-cv-00249-SHK
Hon. Shashi H. Kewalramani

**DEFENDANT COUNTY OF
RIVERSIDE'S ANSWER TO
COMPLAINT; DEMAND FOR
JURY TRIAL**

Action Filed: 02/01/2024

Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendant
County of Riverside ("Defendant") answers the Complaint of Plaintiffs
("Plaintiffs"). If an averment is not specifically admitted, it is hereby denied.

ANSWER TO COMPLAINT

27 1. Answering Paragraph 1, Defendant admits that this Court has original
28 jurisdiction of plaintiffs' federal claims pursuant to 28 U.S.C. § 1331 and §1333(a)(3)-

DEFENDANT COUNTY OF RIVERSIDE'S ANSWER; DEMAND FOR JURY TRIAL

1 (4), and that this Court has supplemental jurisdiction of plaintiffs' state law claims
2 pursuant to 28 U.S.C. § 1337(a). Except as expressly admitted herein, Defendant
3 denies each and every allegation contained therein.

4 2. Answering Paragraph 2, Defendant admits that venue is proper before
5 this Court. Except as expressly admitted herein, Defendant denies each and every
6 allegation contained therein.

7 3. Answering Paragraph 3, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 3 further contains legal
10 conclusions and argument as to which no response is required.

11 4. Answering Paragraph 4, Defendant lacks sufficient knowledge or
12 information to form a belief concerning the truth of the factual allegations contained
13 therein and on that basis denies such allegations.

14 5. Answering Paragraph 5, Defendant lacks sufficient knowledge or
15 information to form a belief concerning the truth of the factual allegations contained
16 therein and on that basis denies such allegations.

17 6. Answering Paragraph 6, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations.

20 7. Answering Paragraph 7, Defendant lacks sufficient knowledge or
21 information to form a belief concerning the truth of the factual allegations contained
22 therein and on that basis denies such allegations.

23 8. Answering Paragraph 8, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations.

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1 9. Answering Paragraph 9, Defendant admits that at all relevant times the
2 COUNTY OF RIVERSIDE was a public entity organized and existing under the laws
3 of the state of California. Except as expressly admitted herein, Defendant denies each
4 and every allegation contained therein.

5 10. Answering Paragraph 10, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 10 further contains legal
8 conclusions and argument as to which no response is required.

9 11. Answering Paragraph 11, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 11 further contains legal
12 conclusions and argument as to which no response is required.

13 12. Answering Paragraph 12, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations.

16 13. Answering Paragraph 13, Defendant lacks sufficient knowledge or
17 information to form a belief concerning the truth of the factual allegations contained
18 therein and on that basis denies such allegations. Paragraph 13 further contains legal
19 conclusions and argument as to which no response is required.

20 14. Answering Paragraph 14, Defendant lacks sufficient knowledge or
21 information to form a belief concerning the truth of the factual allegations contained
22 therein and on that basis denies such allegations. Paragraph 14 further contains legal
23 conclusions and argument as to which no response is required.

24 15. Answering Paragraph 15, Defendant lacks sufficient knowledge or
25 information to form a belief concerning the truth of the factual allegations contained
26 therein and on that basis denies such allegations. Paragraph 15 further contains legal
27 conclusions and argument as to which no response is required.

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1 16. Answering Paragraph 16, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 16 further contains legal
4 conclusions and argument as to which no response is required.

5 17. Answering Paragraph 17, Defendant repeats, reiterates, and re-alleges all
6 of the admissions and denials contained in the foregoing Answer which are set forth
7 to each and every allegation contained in paragraphs 1 through 16, inclusive, of the
8 Complaint.

9 18. Answering Paragraph 18, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations.

12 19. Answering Paragraph 19, Defendant lacks sufficient knowledge or
13 information to form a belief concerning the truth of the factual allegations contained
14 therein and on that basis denies such allegations.

15 20. Answering Paragraph 20, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 20 further contains legal
18 conclusions and argument as to which no response is required.

19 21. Answering Paragraph 21, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 21 further contains legal
22 conclusions and argument as to which no response is required.

23 22. Answering Paragraph 22, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations. Paragraph 22 further contains legal
26 conclusions and argument as to which no response is required.

27 23. Answering Paragraph 23, Defendant lacks sufficient knowledge or
28 information to form a belief concerning the truth of the factual allegations contained

1 therein and on that basis denies such allegations. Paragraph 23 further contains legal
2 conclusions and argument as to which no response is required.

3 24. Answering Paragraph 24, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 24 further contains legal
6 conclusions and argument as to which no response is required.

7 25. Answering Paragraph 25, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 25 further contains legal
10 conclusions and argument as to which no response is required.

11 26. Answering Paragraph 26, Defendant lacks sufficient knowledge or
12 information to form a belief concerning the truth of the factual allegations contained
13 therein and on that basis denies such allegations. Paragraph 26 further contains legal
14 conclusions and argument as to which no response is required.

15 27. Answering Paragraph 27, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 27 further contains legal
18 conclusions and argument as to which no response is required.

19 28. Answering Paragraph 28, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 28 further contains legal
22 conclusions and argument as to which no response is required.

23 29. Answering Paragraph 29, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations. Paragraph 29 further contains legal
26 conclusions and argument as to which no response is required.

27 30. Answering Paragraph 30, Defendant lacks sufficient knowledge or
28 information to form a belief concerning the truth of the factual allegations contained

1 therein and on that basis denies such allegations. Paragraph 30 further contains legal
2 conclusions and argument as to which no response is required.

3 31. Answering Paragraph 31, Defendant lacks sufficient knowledge or
4 information to form a belief concerning the truth of the factual allegations contained
5 therein and on that basis denies such allegations. Paragraph 31 further contains legal
6 conclusions and argument as to which no response is required.

7 32. Answering Paragraph 32, Defendant lacks sufficient knowledge or
8 information to form a belief concerning the truth of the factual allegations contained
9 therein and on that basis denies such allegations. Paragraph 32 further contains legal
10 conclusions and argument as to which no response is required.

11 33. Answering Paragraph 33, Defendant lacks sufficient knowledge or
12 information to form a belief concerning the truth of the factual allegations contained
13 therein and on that basis denies such allegations. Paragraph 33 further contains legal
14 conclusions and argument as to which no response is required.

15 34. Answering Paragraph 34, Defendant lacks sufficient knowledge or
16 information to form a belief concerning the truth of the factual allegations contained
17 therein and on that basis denies such allegations. Paragraph 34 further contains legal
18 conclusions and argument as to which no response is required.

19 35. Answering Paragraph 35, Defendant lacks sufficient knowledge or
20 information to form a belief concerning the truth of the factual allegations contained
21 therein and on that basis denies such allegations. Paragraph 35 further contains legal
22 conclusions and argument as to which no response is required.

23 36. Answering Paragraph 36, Defendant lacks sufficient knowledge or
24 information to form a belief concerning the truth of the factual allegations contained
25 therein and on that basis denies such allegations. Paragraph 36 further contains legal
26 conclusions and argument as to which no response is required.

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1 37. Answering Paragraph 37, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations.

4 38. Answering Paragraph 38, Defendant repeats, reiterates, and re-alleges all
5 of the admissions and denials contained in the foregoing Answer which are set forth
6 to each and every allegation contained in paragraphs 1 through 37, inclusive, of the
7 Complaint.

8 39. Answering Paragraph 39, Defendant lacks sufficient knowledge or
9 information to form a belief concerning the truth of the factual allegations contained
10 therein and on that basis denies such allegations. Paragraph 39 further contains legal
11 conclusions and argument as to which no response is required.

12 40. Answering Paragraph 40, Defendant lacks sufficient knowledge or
13 information to form a belief concerning the truth of the factual allegations contained
14 therein and on that basis denies such allegations. Paragraph 40 further contains legal
15 conclusions and argument as to which no response is required.

16 41. Answering Paragraph 41, Defendant lacks sufficient knowledge or
17 information to form a belief concerning the truth of the factual allegations contained
18 therein and on that basis denies such allegations. Paragraph 41 further contains legal
19 conclusions and argument as to which no response is required.

20 42. Answering Paragraph 42, Defendant lacks sufficient knowledge or
21 information to form a belief concerning the truth of the factual allegations contained
22 therein and on that basis denies such allegations. Paragraph 42 further contains legal
23 conclusions and argument as to which no response is required.

24 43. Answering Paragraph 43, Defendant lacks sufficient knowledge or
25 information to form a belief concerning the truth of the factual allegations contained
26 therein and on that basis denies such allegations. Paragraph 43 further contains legal
27 conclusions and argument as to which no response is required.

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1 44. Answering Paragraph 44, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 44 further contains legal
4 conclusions and argument as to which no response is required.

5 45. Answering Paragraph 45, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 45 further contains legal
8 conclusions and argument as to which no response is required.

9 46. Answering Paragraph 46, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 46 further contains legal
12 conclusions and argument as to which no response is required.

13 47. Answering Paragraph 47, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 47 further contains legal
16 conclusions and argument as to which no response is required.

17 48. Answering Paragraph 48, Defendant repeats, reiterates, and re-alleges all
18 of the admissions and denials contained in the foregoing Answer which are set forth
19 to each and every allegation contained in paragraphs 1 through 47, inclusive, of the
20 Complaint..

21 49. Answering Paragraph 49, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 49 further contains legal
24 conclusions and argument as to which no response is required.

25 50. Answering Paragraph 50, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 50 further contains legal
28 conclusions and argument as to which no response is required

1 51. Answering Paragraph 51, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 51 further contains legal
4 conclusions and argument as to which no response is required.

5 52. Answering Paragraph 52, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 52 further contains legal
8 conclusions and argument as to which no response is required.

9 53. Answering Paragraph 53, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 53 further contains legal
12 conclusions and argument as to which no response is required.

13 54. Answering Paragraph 54, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 54 further contains legal
16 conclusions and argument as to which no response is required.

17 55. Answering Paragraph 55, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 55 further contains legal
20 conclusions and argument as to which no response is required.

21 56. Answering Paragraph 56, Defendants repeat, reiterate, and re-allege all
22 of the admissions and denials contained in the foregoing Answer which are set forth
23 to each and every allegation contained in paragraphs 1 through 55, inclusive, of the
24 Complaint.

25 57. Answering Paragraph 57, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 57 further contains legal
28 conclusions and argument as to which no response is required.

1 58. Answering Paragraph 58, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 58 further contains legal
4 conclusions and argument as to which no response is required.

5 59. Answering Paragraph 59, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 59 further contains legal
8 conclusions and argument as to which no response is required.

9 60. Answering Paragraph 60, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 60 further contains legal
12 conclusions and argument as to which no response is required.

13 61. Answering Paragraph 61, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 61 further contains legal
16 conclusions and argument as to which no response is required.

17 62. Answering Paragraph 62, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 62 further contains legal
20 conclusions and argument as to which no response is required.

21 63. Answering Paragraph 63, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 63 further contains legal
24 conclusions and argument as to which no response is required.

25 64. Answering Paragraph 64, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 64 further contains legal
28 conclusions and argument as to which no response is required.

1 65. Answering Paragraph 65, Defendant repeats, reiterates, and re-alleges all
2 of the admissions and denials contained in the foregoing Answer which are set forth
3 to each and every allegation contained in paragraphs 1 through 64, inclusive, of the
4 Complaint.

5 66. Answering Paragraph 66, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 66 further contains legal
8 conclusions and argument as to which no response is required.

9 67. Answering Paragraph 67, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 67 further contains legal
12 conclusions and argument as to which no response is required.

13 68. Answering Paragraph 68, including subsections (a) – (g), Defendant
14 lacks sufficient knowledge or information to form a belief concerning the truth of the
15 factual allegations contained therein and on that basis denies such allegations.
16 Paragraph 68 further contains legal conclusions and argument as to which no response
17 is required.

18 69. Answering Paragraph 69, Defendant lacks sufficient knowledge or
19 information to form a belief concerning the truth of the factual allegations contained
20 therein and on that basis denies such allegations. Paragraph 69 further contains legal
21 conclusions and argument as to which no response is required.

22 70. Answering Paragraph 70, Defendant lacks sufficient knowledge or
23 information to form a belief concerning the truth of the factual allegations contained
24 therein and on that basis denies such allegations. Paragraph 70 further contains legal
25 conclusions and argument as to which no response is required.

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1 71. Answering Paragraph 71, including subsections (a) – (l), Defendant lacks
2 sufficient knowledge or information to form a belief concerning the truth of the factual
3 allegations contained therein and on that basis denies such allegations. Paragraph 71
4 further contains legal conclusions and argument as to which no response is required.

5 72. Answering Paragraph 72, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 72 further contains legal
8 conclusions and argument as to which no response is required.

9 73. Answering Paragraph 73, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 73 further contains legal
12 conclusions and argument as to which no response is required.

13 74. Answering Paragraph 74, Defendant repeats, reiterates, and re-alleges all
14 of the admissions and denials contained in the foregoing Answer which are set forth
15 to each and every allegation contained in paragraphs 1 through 73, inclusive, of the
16 Complaint.

17 75. Answering Paragraph 75, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 75 further contains legal
20 conclusions and argument as to which no response is required.

21 76. Answering Paragraph 76, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 76 further contains legal
24 conclusions and argument as to which no response is required.

25 77. Answering Paragraph 77, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 77 further contains legal
28 conclusions and argument as to which no response is required.

1 78. Answering Paragraph 78, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 78 further contains legal
4 conclusions and argument as to which no response is required.

5 79. Answering Paragraph 79, including subsections (a) – (l), Defendant lacks
6 sufficient knowledge or information to form a belief concerning the truth of the factual
7 allegations contained therein and on that basis denies such allegations. Paragraph 79
8 further contains legal conclusions and argument as to which no response is required.

9 80. Answering Paragraph 80, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 80 further contains legal
12 conclusions and argument as to which no response is required.

13 81. Answering Paragraph 81, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 81 further contains legal
16 conclusions and argument as to which no response is required.

17 82. Answering Paragraph 82, Defendant repeats, reiterates, and re-alleges all
18 of the admissions and denials contained in the foregoing Answer which are set forth
19 to each and every allegation contained in paragraphs 1 through 81, inclusive, of the
20 Complaint.

21 83. Answering Paragraph 83, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 83 further contains legal
24 conclusions and argument as to which no response is required.

25 84. Answering Paragraph 84, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 84 further contains legal
28 conclusions and argument as to which no response is required.

1 85. Answering Paragraph 85, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 85 further contains legal
4 conclusions and argument as to which no response is required.

5 86. Answering Paragraph 86, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 86 further contains legal
8 conclusions and argument as to which no response is required.

9 87. Answering Paragraph 87, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 87 further contains legal
12 conclusions and argument as to which no response is required.

13 88. Answering Paragraph 88, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 88 further contains legal
16 conclusions and argument as to which no response is required.

17 89. Answering Paragraph 89, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 89 further contains legal
20 conclusions and argument as to which no response is required.

21 90. Answering Paragraph 90, Defendant repeats, reiterates, and re-alleges all
22 of the admissions and denials contained in the foregoing Answer which are set forth
23 to each and every allegation contained in paragraphs 1 through 89, inclusive, of the
24 Complaint.

25 91. Answering Paragraph 91, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 91 further contains legal
28 conclusions and argument as to which no response is required.

1 92. Answering Paragraph 92, including subsections (a) – (i), Defendant lacks
2 sufficient knowledge or information to form a belief concerning the truth of the factual
3 allegations contained therein and on that basis denies such allegations. Paragraph 92
4 further contains legal conclusions and argument as to which no response is required.

5 93. Answering Paragraph 93, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 93 further contains legal
8 conclusions and argument as to which no response is required.

9 94. Answering Paragraph 94, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 94 further contains legal
12 conclusions and argument as to which no response is required.

13 95. Answering Paragraph 95, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 95 further contains legal
16 conclusions and argument as to which no response is required.

17 96. Answering Paragraph 96, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 96 further contains legal
20 conclusions and argument as to which no response is required.

21 97. Answering Paragraph 97, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 97 further contains legal
24 conclusions and argument as to which no response is required.

25 98. Answering Paragraph 98, Defendant repeats, reiterates, and re-alleges all
26 of the admissions and denials contained in the foregoing Answer which are set forth
27 to each and every allegation contained in paragraphs 1 through 97, inclusive, of the
28 Complaint.

1 99. Answering Paragraph 99, Defendant lacks sufficient knowledge or
2 information to form a belief concerning the truth of the factual allegations contained
3 therein and on that basis denies such allegations. Paragraph 99 further contains legal
4 conclusions and argument as to which no response is required.

5 100. Answering Paragraph 100, Defendant lacks sufficient knowledge or
6 information to form a belief concerning the truth of the factual allegations contained
7 therein and on that basis denies such allegations. Paragraph 100 further contains legal
8 conclusions and argument as to which no response is required.

9 101. Answering Paragraph 101, Defendant lacks sufficient knowledge or
10 information to form a belief concerning the truth of the factual allegations contained
11 therein and on that basis denies such allegations. Paragraph 101 further contains legal
12 conclusions and argument as to which no response is required.

13 102. Answering Paragraph 102, Defendant lacks sufficient knowledge or
14 information to form a belief concerning the truth of the factual allegations contained
15 therein and on that basis denies such allegations. Paragraph 102 further contains legal
16 conclusions and argument as to which no response is required.

17 103. Answering Paragraph 103, Defendant lacks sufficient knowledge or
18 information to form a belief concerning the truth of the factual allegations contained
19 therein and on that basis denies such allegations. Paragraph 103 further contains legal
20 conclusions and argument as to which no response is required.

21 104. Answering Paragraph 104, Defendant lacks sufficient knowledge or
22 information to form a belief concerning the truth of the factual allegations contained
23 therein and on that basis denies such allegations. Paragraph 104 further contains legal
24 conclusions and argument as to which no response is required.

25 105. Answering Paragraph 105, Defendant lacks sufficient knowledge or
26 information to form a belief concerning the truth of the factual allegations contained
27 therein and on that basis denies such allegations. Paragraph 105 further contains legal
28 conclusions and argument as to which no response is required.

106. Answering Paragraph 106, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 106 further contains legal conclusions and argument as to which no response is required.

107. Answering Paragraph 107, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 107 further contains legal conclusions and argument as to which no response is required.

108. Answering Paragraph 108, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 108 further contains legal conclusions and argument as to which no response is required.

109. Answering Paragraph 109, Defendant lacks sufficient knowledge or information to form a belief concerning the truth of the factual allegations contained therein and on that basis denies such allegations. Paragraph 109 further contains legal conclusions and argument as to which no response is required.

110. Answering the Prayer for Relief, including subsections (1) through (9), Defendant denies that Plaintiffs are entitled to the relief requested, or to any amount, and Defendant denies all liability and/or wrongdoing.

AFFIRMATIVE DEFENSES

Defendant pleads the following separate defenses. Defendant reserves the right to assert additional affirmative defenses that discovery indicates are proper.

FIRST AFFIRMATIVE DEFENSE

(Tort Claims Act Violation)

1. This action is barred by the plaintiff(s)' failure to comply with the government tort claims presentation requirements, California Government Code § 900, *et seq.*, including but not limited to §§ 900, 900.4, 901, 905, 905.2, 910, 911, 911.2, 911.4, 945.4, 945.6, 946.6, 950.2, and 950.6, to the extent applicable.



SECOND AFFIRMATIVE DEFENSE

(Waiver, Estoppel, Unclean Hands)

2. Defendant alleges that plaintiffs' actions are barred by reason of conduct, actions and inactions of plaintiff(s) which amount to and constitute a waiver of any right plaintiffs may or might have had in reference to the matters and things alleged in the Complaint, or that otherwise estop plaintiffs from recovery in this action, including but not limited to the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

(Failure to Mitigate Damages)

3. Plaintiffs' claims are barred or limited to the extent plaintiffs failed to mitigate plaintiffs' injuries or damages, if there were any. Plaintiffs have failed to mitigate the damages, if any, which plaintiffs have sustained, and to exercise reasonable care to avoid the consequences of harms, if any, in that, among other things, plaintiffs have failed to use reasonable diligence in caring for any injuries, failed to use reasonable means to prevent aggravation of any injuries, and failed to take reasonable precautions to reduce any injuries and damages.

FOURTH AFFIRMATIVE DEFENSE

(Contributory and/or Comparative Liability)

4. Plaintiffs' claims are barred or limited by plaintiff(s)' contributory/comparative negligence or other conduct, acts, or omissions, and to the extent the plaintiffs suffered any injury or damages, it was the result of plaintiff's own negligent or deliberate actions or omissions.

5. Plaintiffs' recovery is barred because any injury or damage suffered by plaintiffs was caused solely by reason of the plaintiff's wrongful acts and conduct and the willful resistance to a sworn peace officer in the discharge their duties. The conduct set forth in the Complaint, if and to the extent it occurred, was privileged and justified and done with a good faith belief that it was correct and no action may be

1 taken against the answering Defendant on account of such conduct.

2 **FIFTH AFFIRMATIVE DEFENSE**

3 **(Public Entity/Employee Immunity for Discretionary Acts)**

4 6. There is no liability for any injury or damages, if there were any,
 5 resulting from an exercise of discretion vested in a public employee, whether or not
 6 such discretion be abused. Gov. Code § 815.2, 820.2, 820.4, 820.8, 820 *et seq.*

7 7. Plaintiffs' recovery is barred because public entities and employees are
 8 immune from liability for discharging their mandatory duties with reasonable
 9 diligence.

10 8. Plaintiffs' recovery is barred because public entities and employees are
 11 immune from liability for any injury caused by the act or omission of another person.
 12 Gov. Code §§ 815 *et. seq.*, 820 *et. seq.*.

13 9. Defendant(s) are immune for any detriment resulting from any of their
 14 actions or omissions at the time of the incident of which plaintiffs complain pursuant
 15 to Government Code § 810 *et seq.*, 815 *et seq.*, 820 *et seq.*, and 845 *et seq.*, including,
 16 but not limited to, §§ 810, 810.2, 810.4, 810.6, 810.8, 811, 811.2, 811.4, 811.6, 811.8,
 17 820.6, 820.8, 821, 821.2, 821.4, 821.6, 821.8, 822.2, 830.5, 830.6, 835.4, 844.6, and
 18 Government Code §§ 854, *et seq.*, including, but not limited to, §§ 845.6, 845.8,
 19 854.8(a)(2), and §§ 855.4, 855.6, 855.8 and 856.4.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 **(Qualified Immunity & Good Faith Immunity)**

22 10. The individual deputies are immune from liability under the Federal
 23 Civil Rights Act because a reasonable deputy could believe that his acts and conduct
 24 were appropriate. The individual deputies are immune from liability under the
 25 Federal Civil Rights Act because their individual conduct did not violate clearly
 26 established constitutional rights of which a reasonable person would have known.

27 11. At all relevant times, the involved deputies acted within the scope of
 28 discretion, with due care, and good faith fulfillment of responsibilities pursuant to

1 applicable statutes, rules and regulation, within the bounds of reason, and with the
 2 good faith belief that their actions comported with all applicable federal and state
 3 laws.

4 **SEVENTH AFFIRMATIVE DEFENSE**

5 **(Assumption of Risk)**

6 12. At the time and place referred to in the Complaint, and before such event,
 7 plaintiffs' decedent knew, appreciated, and understood each and every risk involved
 8 in placing himself in the position which plaintiff then assumed, and willingly,
 9 knowingly, and voluntarily assumed each of such risks, including, but not limited to,
 10 the risk of suffering personal bodily injury and/or lawful deprivation of right(s).

11 **EIGHTH AFFIRMATIVE DEFENSE**

12 13. To the extent that the Complaint attempts to predicate liability upon the
 13 public entity defendant or any employees thereof for purported negligence in
 14 retention, hiring, employment, training, or supervision of any public employee, such
 15 liability is barred by Government Code §§ 815.2 and 820.2 and *Herndon v. County of*
 16 *Marin* (1972) 25 Cal. App. 3d 933, 935, 936, *rev'd on other grounds by Sullivan v.*
 17 *County of Los Angeles* (1974) 12 Cal.3d 710; and by the lack of any duty running to
 18 plaintiffs; and by the fact that any such purported act or omission is governed
 19 exclusively by statute and is outside the purview of any public employees' authority;
 20 and by the failure of any such acts or omissions to be the proximate or legal cause of
 21 any injury alleged in the Complaint. *See de Villers v. County of San Diego*, 156
 22 Cal.App.4th 238, 251-253, 255-256 (2007).

23 **NINTH AFFIRMATIVE DEFENSE**

24 14. The defendant may not be held liable on a *respondeat superior* theory
 25 for any negligent or wrongful act or omission on the part of any subordinate. Cal.
 26 Govt. Code §§ 844.6, 845.6; Cal. Civil Code § 2351; *Malloy v. Fong* (1951) 37 Cal.2d
 27 356, 378-379; *Monell v. Department of Social Services of the City of New York* (1978)
 28 436 U.S. 658; *Larez v. City of Los Angeles* (9th Cir. 1991) 946 F.2d 630, 645-646; *cf.*

² *City of Canton v. Harris*, 489 U.S. 378, 388-389 (1989); *City of Los Angeles v. Heller*, 475 U.S. 796 (1986).

TENTH AFFIRMATIVE DEFENSE

15. The plaintiffs' claims related to a peace officer's use of force are barred
because a peace officer making a detention or arrest need not retreat in the face of a
suspect's resistance and cannot be deemed to be the aggressor or lose his right to
lawful self-defense and/or defense of others by using force.

8 16. Defendant contends that it cannot fully anticipate all affirmative defenses
9 that may be applicable to this action based on the conclusory terms used in plaintiffs'
10 Complaint. Accordingly, Defendant expressly reserves the right to assert additional
11 affirmative defenses if and to the extent that such affirmative defenses become
12 applicable.

WHEREFORE, Defendant prays for relief as follows:

- 14 1. That the Complaint be dismissed with prejudice and in its entirety;
15 2. That Plaintiffs take nothing by reason of this Complaint and that
16 judgment be entered against Plaintiffs and in favor of Defendant;
17 3. That Defendant be awarded its costs incurred in defending this action;
18 4. That Defendant be granted such other and further relief as the Court
19 may deem just and proper.

21 | DATED: March 4, 2024

**MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP**

By: /s/ *Eugene Ramirez*

Eugene P. Ramirez
Lynn L. Carpenter
Kayleigh Anderson
Attorneys for Defendants
RIVERSIDE

1
2 **DEMAND FOR JURY TRIAL**
3

4 Defendant, County of Riverside, hereby demands trial of this matter by jury.
5

6
7 DATED: March 4, 2024

8 **MANNING & KASS**
9 **ELLROD, RAMIREZ, TRESTER LLP**

10 By: */s/ Eugene Ramirez*
11

12 Eugene P. Ramirez
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15 Attorneys for Defendant, COUNTY OF
16 RIVERSIDE
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